

**SENATE JOURNAL
61ST LEGISLATURE
SEVENTY-FIRST LEGISLATIVE DAY**

Helena, Montana
March 31, 2009

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Story presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Brueggeman, Laslovich, and Windy Boy, excused. Quorum present.

Senator Windy Boy present at this time.

BILLS AND JOURNALS:

3/31/2009

Correctly printed: **SB 490, SB 508, SR 30, SR 31, SR 32, HB 52, HB 98, HB 116, HB 263, HB 264, HB 357, HB 443, HB 451, HB 495, HB 513, HB 529, HB 572, HJR 33.**

Correctly engrossed: **HB 3, HB 4, HB 6, HB 7, HB 34, HB 40, HB 190, HB 218, HB 228, HB 486, HB 534, HB 591, HB 602, HB 628.**

REPORTS OF STANDING COMMITTEES

JUDICIARY (Perry, Chairman):

3/31/2009

SR 24, be adopted. Report adopted.

HB 533, be concurred in. Report adopted.

HB 536, be amended as follows:

1. Page 1, line 19.

Following: "shall"

Insert: "restrict the person to driving only a motor vehicle equipped with a functioning ignition interlock device during the probationary period or"

2. Page 1, line 19 through line 20.

Following: "that" on line 19

Strike: remainder of line 19 through "(a)" on line 20

3. Page 1, line 21.

Following: "61-8-421"

Strike: "; or"

Insert: "."

4. Page 1, line 22 through line 26.

Strike: subsection (b) in its entirety

And, as amended, be concurred in. Report adopted.

HB 574, be amended as follows:

1. Page 1, line 13.

Following: "knowingly or purposely"

Insert: "knowingly or purposely"

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2. Page 1, line 13 through line 14.

Following: "offense" on line 13

Strike: remainder of line 13 through "OFFENSE," on line 14

3. Page 1, line 18.

Following: "knowingly or purposely"

Insert: "knowingly or purposely"

4. Page 1, line 18 through line 19.

Following: "offense" on line 18

Strike: remainder of line 18 through "OFFENSE," on line 19

And, as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (Esp, Chairman):

3/31/2009

HB 449, be amended as follows:

1. Title, lines 9 through 11.

Strike: "PROVIDING" on line 9 through "DISTRICT;" on line 11

2. Title, lines 17 and 18.

Strike: "REQUIRING" on line 17 through "SERVICES;" on line 18

3. Page 5, line 20 through page 6, line 12.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

4. Page 6, line 17.

Strike: "(4)"

Insert: "(3)"

5. Page 6, line 20.

Strike: "(5)"

Insert: "(4)"

6. Page 12, line 3 through line 10.

Strike: sections 12 and 13 in their entirety

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HB 608, be amended as follows:

1. Title, lines 4 and 5.

Following: "LIEN" on line 4

Strike: remainder of line 4 through "PROCEEDS" on line 5

Strike: "SECTION 33-24-104,"

Insert: "SECTIONS 27-18-101, 27-18-202, 27-18-203, 27-18-204, AND 27-18-1502,"

2. Title, line 6.

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Strike: "AND AN APPLICABILITY DATE"

3. Page 1, line 10 through line 25.

Strike: everything after the enacting clause

Insert: "Section 1. Section 27-18-101, MCA, is amended to read:

"27-18-101. Cases in which property may be attached. (1) Property may be attached in:

- (a) an action upon a contract, express or implied, for the direct payment of money where the contract:
 - (i) is not secured by any mortgage or lien upon real property; or
 - (ii) is originally secured and such security has, without any act of the plaintiff or the person to whom the security was given, become valueless; ~~and~~
- (b) an action based upon a statutory stockholders' liability; and
- (c) an action by a local government for the purpose of ensuring debris removal if it is determined that the underlying property is worth less than the cost of debris removal.

(2) Attachment may not issue if the defendant gives security to pay the judgment.

(3) For the purpose of this section, the guaranty of a loan in which the only condition precedent to the obligation of the guarantor is the default of the principal is an unconditional contract for the direct payment of money."

Insert: "Section 2. Section 27-18-202, MCA, is amended to read:

"27-18-202. Plaintiff's affidavit. When attachment of a defendant's property is sought, an affidavit must be made by the plaintiff or someone ~~in his~~ on the plaintiff's behalf stating:

- (1) facts which show the defendant is indebted to the plaintiff in the manner specified in 27-18-101(1);
- (2) that the attachment is not sought to hinder, delay, or defraud any creditor of the defendant;
- (3) facts creating a reasonable belief that the defendant:
 - (a) is leaving or about to leave this state taking ~~with him~~ property, money, or other effects which might be subjected to payment of the debt;
 - (b) is disposing or about to dispose of ~~his~~ property which would be subject to execution;
 - (c) has the power to dispose of or conceal or remove from the state property ~~which that~~ would be subject to execution; or
 - (d) is likely to suffer liens or encumbrances on ~~his~~ the defendant's property ~~which that~~ would be subject to execution;
- (4) a particular description and the actual value of the property to be attached;
- (5) facts creating a reasonable basis for a local government belief that the underlying property is worth less than the cost of debris removal."

Insert: "Section 3. Section 27-18-203, MCA, is amended to read:

"27-18-203. Affidavit requirements when debt not yet due. Actions may be commenced and writs of attachment issued upon any debt for the payment of money or specific property before the ~~same shall have debt has become due, or upon a local government debris removal issue,~~ when it ~~shall appear~~ appears by the affidavit, in addition to what is required in 27-18-202:

- (1) that the defendant is leaving or is about to leave this state, taking ~~with him~~ property, ~~moneys~~ money, or other effects ~~which that~~ might be subjected to the payment of the debt, for the purpose of defrauding ~~his~~ the defendant's creditors or a local government; or
- (2) that the defendant is disposing of ~~his~~ property or is about to dispose of ~~his~~ property, subject to execution, for the purpose of defrauding ~~his~~ the defendant's creditors or a local government."

Insert: "Section 4. Section 27-18-204, MCA, is amended to read:

"27-18-204. Plaintiff's undertaking. Before issuing the writ, the court must require a written undertaking on the part of the plaintiff, except a local government, with two or more sufficient sureties to be approved by the court, in a sum not less than double the amount claimed by the plaintiff if such the amount be is \$1,000 or under or, in case the amount ~~so~~ claimed by plaintiff ~~shall exceed~~ exceeds \$1,000, then in a sum equal to such that amount. ~~In no case shall an~~ An undertaking may not be required exceeding ~~in amount~~ the sum of \$20,000. The condition of such the undertaking ~~shall must~~ be to the effect that if the defendant recovers judgment or if the court finally decides that the plaintiff was not entitled to an attachment, the plaintiff will pay all costs that may be awarded to the defendant and

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all damages ~~be~~ the defendant may sustain by reason of the issuing of the attachment, not exceeding the sum specified in the undertaking.""

Insert: "**Section 5.** Section 27-18-1502, MCA, is amended to read:

"27-18-1502. Plaintiff's undertaking. Before issuing the writ, the justice must require a written undertaking in due form on the part of the plaintiff, except a local government, with two or more sureties, in a sum of not less than \$50 or more than \$300, to the effect that if defendant recover judgment, the plaintiff will pay all costs that may be awarded to defendant and all damages ~~which he~~ that the defendant may sustain by reason of the attachment, not exceeding the sum specified in the undertaking.""

Insert: "**NEW SECTION. Section 6. Effective date.** [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Brown, Chairman):

3/31/2009

SJR 31, do pass. Report adopted.

SJR 32, introduced joint resolution, be amended as follows:

1. Page 1, line 23.

Following: "hydrocodone, "

Insert: "methadone patches,"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman):

3/30/2009

SR 26, be adopted. Report adopted.

SR 27, be adopted. Report adopted.

SR 28, be adopted. Preliminary report adopted.

HB 109, be concurred in. Report adopted.

HB 110, be amended as follows:

1. Page 1, line 24.

Following: "IN"

Strike: "OTHER MUNICIPALITIES"

Insert: "Helena and in other areas"

2. Page 1, line 26.

Following: "IN"

Strike: "OTHER MUNICIPALITIES"

Insert: "Helena and in other areas"

And, as amended, be concurred in. Report adopted.

HJR 9, be amended as follows:

1. Page 2, line 11.

Following: "Delegation"

Insert: ", "

Strike: "and to"

Insert: "the respective Secretaries of the United States Army, Navy, and Air Force, the Commandant of the United States Coast Guard, and the Adjutant General of the Montana National Guard.

BE IT FURTHER RESOLVED, that the Secretary of State include with the copies sent to the

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respective Secretaries of the Army, Navy, and Air Force, the Commandant of the United States Coast Guard, and the Adjutant General of the Montana National Guard a request that the respective Secretaries, the Commandant, and the Adjutant General use every means available to provide a copy of this resolution to each member of the Armed Forces who hails from Montana.

BE IT FURTHER RESOLVED, that the purpose and intent of this resolution is to convey to"

Strike: "informing them"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 30, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 32, **"AN ACT REVISING THE LAWS RELATING TO SCHOOLS; REVISING THE LAWS PERTAINING TO THE LOCATION OF SCHOOL BOARD MEETINGS; EXPANDING THE DISCIPLINARY POWERS OF SCHOOL ADMINISTRATORS; CLARIFYING THE LAWS GOVERNING STUDENT SUSPENSIONS; AND AMENDING SECTIONS OF 20-3-322, 20-5-201, AND 20-5-202, MCA"** for the following reasons.

My proposed amendment to House Bill 332 pertains to the location of a school board meeting that is held to address a violation of the student code of conduct within a week of graduation. The bill's intent was to exempt the trustees of a district from the statutory 48-hour written notice requirement when holding such a meeting within a week of graduation. My amendment does not effect this aspect of the bill. However, as written, the bill would also exempt the trustees from the requirement that the meeting be conducted in a school building. It is my belief that it is of utmost importance to hold a meeting concerning a violation of the student code of conduct within a week of graduation in a school building.

I have discussed my proposed amendment with the bill's sponsor, Representative Getz, who has no objection.

Sincerely,

BRIAN SCHWEITZER
Governor

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GOVERNOR'S AMENDMENTS
TO HOUSE BILL 32

Reference Copy

Requested by the Governor

For the House Committee of the Whole

Prepared by Greg Petesch
April 22, 2009 (8:18am)

1. Title, line 5.

Following: "LOCATION OF"

Insert: "AND NOTICE REQUIREMENTS FOR CERTAIN"

2. Page 1, line 30.

Following: "emergency"

Insert: "or to consider a violation of the student code of conduct, as defined in accordance with district policy, within a week of graduation"

3. Page 2, lines 8 and 9.

Following: "district" on line 8

Strike: remainder of line 8 through "GRADUATION" on line 9

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

3/30/2009

HB 312, introduced by B. Beck

HB 361, introduced by Wiseman

HB 657, introduced by Stahl

HB 670, introduced by Vincent

Senate amendments to House bills concurred in:

3/30/2009

HB 221, introduced by Cohenour

HB 290, introduced by Grinde

HB 291, introduced by Sonju

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

3/30/2009

SB 57, introduced by Gillan

SB 58, introduced by Gillan

SB 95, introduced by Brueggeman

SB 113, introduced by Keane

SB 123, introduced by Squires

SB 133, introduced by Kaufmann

SB 148, introduced by J. Peterson

Free Conference Committee Report No.1 adopted:

3/30/2009

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HB 23, introduced by Himmelberger

Governor's amendments to House bill concurred in and transmitted to the Senate for concurrence in the Governor's amendments:

3/30/2009

HB 171, introduced by Augare

MOTIONS

Senator Laslovich present at this time.

Senator Brueggeman present at this time.

Senator Hinkle moved that **HB 592** be taken from the Agriculture, Livestock, and Irrigation committee and placed on second reading this day.

Motion **failed** as follows:

Yeas: Balyeat, Barkus, R. Brown, Hinkle.

Total 4

Nays: Bales, Barrett, Black, Branae, Brenden, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 46

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Juneau moved that **HB 102** be taken from the Judiciary committee and placed on second reading this day.

Motion **failed** as follows:

Yeas: Branae, T. Brown, Cooney, Erickson, Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.

Total 25

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, Brueggeman, Curtiss, Esp, Gebhardt, Hinkle, Jackson, Keane, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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Senator Bales moved that **HB 154** be re-referred from Fish and Game to Finance and Claims. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 312, introduced by B. Beck, Erickson, Hollenbaugh, Wanzenried, Zinke, referred to Taxation.

HB 361, introduced by Wiseman, Hands, Brueggeman, Zinke, referred to Taxation.

HB 657, introduced by Stahl, referred to Taxation.

HB 670, introduced by Vincent, referred to Taxation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 490 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Essmann, Gallus, Gebhardt, Hamlett, Hinkle, Jackson, Jent, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, J. Tropila, M. Tropila, Tutvedt, Windy Boy, Zinke, Mr. President.

Total 33

Nays: Branae, Cooney, Erickson, Esp, Gillan, Hansen, Hawks, Juneau, Kaufmann, Keane, Larsen, Moss, Schmidt, Squires, Stewart-Peregoy, Wanzenried, Williams.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 507 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Erickson, Esp, Essmann, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, J. Tropila, M. Tropila, Tutvedt, Windy Boy, Zinke, Mr. President.

Total 41

Nays: Cooney, Gallus, Juneau, Kaufmann, Moss, Schmidt, Stewart-Peregoy, Wanzenried, Williams.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 508 passed as follows:

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Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke, Mr. President.

Total 42

Nays: Balyeat, R. Brown, Hinkle, Juneau, Kaufmann, Murphy, Stewart-Peregoy, Windy Boy.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 98 concurred in as follows:

Yeas: Barrett, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 41

Nays: Bales, Balyeat, Barkus, Brenden, Esp, Essmann, Hinkle, Jackson, McGee.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 116 concurred in as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke, Mr. President.

Total 47

Nays: Balyeat, Hinkle, Windy Boy.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 218 concurred in as follows:

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Yeas: Bales, Black, Branae, T. Brown, Brueggeman, Cooney, Erickson, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke, Mr. President.

Total 33

Nays: Balyeat, Barkus, Barrett, Brenden, R. Brown, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hinkle, Jackson, McGee, Ripley, Shockley, Steinbeisser, Windy Boy.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 263 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: Kaufmann.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 264 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: Kaufmann.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 357 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: Laible.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 443 concurred in as follows:

Yeas: Black, Branae, T. Brown, Brueggeman, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Moss, Perry, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.

Total 30

Nays: Bales, Balyeat, Barkus, Barrett, Brenden, R. Brown, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Lewis, McGee, Murphy, Peterson, Ripley, Steinbeisser, Tutvedt, Mr. President.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 451 concurred in as follows:

Yeas: Bales, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.

Total 40

Nays: Balyeat, Barkus, Essmann, Gallus, Gebhardt, Hinkle, Laible, McGee, Shockley, Mr. President.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 495 concurred in as follows:

Yeas: Bales, Balyeat, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Barkus, Esp, Gallus, Gebhardt, Hinkle, Laible, McGee.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 513 concurred in as follows:

Yeas: Bales, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.
Total 42

Nays: Balyeat, Barkus, Esp, Gallus, Hinkle, Jackson, McGee, Mr. President.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 529 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Keane, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Tutvedt, Windy Boy, Mr. President.
Total 33

Nays: Branae, Cooney, Erickson, Gallus, Hansen, Juneau, Kaufmann, Larsen, Laslovich, Moss, Schmidt, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Zinke.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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HB 572 concurred in as follows:

Yeas: Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Murphy, Peterson, Ripley, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.
Total 33

Nays: Bales, Balyeat, Barkus, Barrett, Brenden, Esp, Essmann, Gallus, Gebhardt, Hinkle, Jackson, Laible, McGee, Perry, Shockley, Tutvedt, Mr. President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 591 concurred in as follows:

Yeas: Bales, Balyeat, Barrett, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 44

Nays: Barkus, Brenden, Esp, McGee, Ripley, Steinbeisser.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 33 concurred in as follows:

Yeas: Bales, Barrett, Black, Branae, Brenden, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 41

Nays: Balyeat, Barkus, R. Brown, Esp, Essmann, Hinkle, McGee, Ripley, Shockley.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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MOTIONS

Senator Hawks moved to change his vote on **SB 490** from yes to no. Without objection, so ordered.

Senator Esp moved to change his vote on **SB 490** from yes to no. Without objection, so ordered.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Peterson moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator J. Tropila in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 531 - Senator Windy Boy moved **HB 531** be concurred in.

HB 531 - Senator Brueggeman moved **HB 531**, second reading copy, be amended as follows:

1. Title, line 5.

Strike: "AND"

2. Title, line 6.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2, line 9.

Insert: "NEW SECTION. **Section 3. Saving clause.** [This act] does not affect any contracts that were entered into before or are renewed after [the effective date of this act] or the ability to issue citations pursuant to those contracts. [This act] does not affect any rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Insert: "NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval."

Amendment adopted as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, Brueggeman, Cooney, Erickson, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Perry, Peterson, Ripley, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Mr. President.

Total 38

Nays: Balyeat, T. Brown, Curtiss, Esp, Essmann, Hinkle, McGee, Murphy, Shockley, Tutvedt, Windy Boy, Zinke.
Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 531 - Senator Brueggeman moved **HB 531**, second reading copy, be amended as follows:

1. Page 2, line 7.

Following: "SUBSECTION"

Strike: "(2)(B)"

Insert: "(2)(a)"

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 531 - Senator Windy Boy moved **HB 531**, as amended, be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hamlett, Hinkle, Jackson, Jent, Larsen, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 37

Nays: Black, Branae, Cooney, Erickson, Gillan, Hansen, Hawks, Juneau, Kaufmann, Keane, Laible, Moss, Schmidt.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 34 - Senator Jent moved **HB 34** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 50

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 59 - Senator Cooney moved **HB 59** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 103 - Senator Laible moved **HB 103** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 170 - Senator Jent moved **HB 170** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy

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Boy, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 371 - Senator Laible moved **HB 371** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.
Total 47

Nays: Esp, Ripley, Mr. President.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 420 - Senator Erickson moved **HB 420** be concurred in. Motion carried as follows:

Yeas: Branae, Brueggeman, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Murphy, Perry, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.
Total 29

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Laible, Lewis, McGee, Peterson, Ripley, Steinbeisser, Tutvedt, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 466 - Senator Tutvedt moved **HB 466** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley,

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Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: Hinkle.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 477 - Senator Larsen moved **HB 477** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 486 - Senator Esp moved **HB 486** be concurred in.

HB 486 - Senator Esp moved **HB 486**, second reading copy, be amended as follows:

1. Page 9, line 1.

Strike: "density."

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 48

Nays: Erickson, Hawks.

Total 2

Absent or not voting: None.

Total 0

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Excused: None.
Total 0

HB 486 - Senator Esp moved **HB 486**, as amended, be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 48

Nays: Brenden, Curtiss.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 504 - Senator Moss moved **HB 504** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, T. Brown, Brueggeman, Cooney, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: R. Brown, Curtiss, Hinkle, McGee.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 602 - Senator Shockley moved **HB 602** be concurred in.

HB 602 - Senator Shockley moved **HB 602**, second reading copy, be amended as follows:

1. Page 1, line 16.

Following: "MILES"

Insert: ", "

2. Page 1, line 16 through line 17.

Strike: "AND" on line 16 through "(I)" on line 17

3. Page 1, line 19.

Following: "DESCRIPTION"

Insert: ", "

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Following: "PAST"

Strike: "·"

Insert: "6 months."

4. Page 1, line 20 through line 24.

Strike: subsection (II) through subsection (IV) in their entirety

5. Page 1, line 28.

Following: "APPLY"

Insert: ": (i)"

6. Page 1, line 29.

Following: "PRISON"

Insert: ";

(ii) when the vehicle is, in effect, the employee's worksite; or

(iii) when 24-hour use of a state-owned vehicle is specifically authorized by law for an elected or appointed state official and use of the vehicle is considered part of the official's compensation package"

7. Page 2, line 3.

Strike: "AS" through "AND"

8. Page 2, line 4.

Following: "2-17-424"

Insert: ", the rationale for the exception is documented in a memorandum or letter signed by the employee's department director and kept on file with the agency head, and a copy of the letter or memorandum is sent to the governor"

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 602 - Senator Shockley moved **HB 602**, as amended, be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gebhardt, Hamlett, Hansen, Hawks, Hinkle, Jackson, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

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Total 45

Nays: Esp, Gallus, Gillan, Jent, J. Tropila.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Peterson moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Story in the chair. Chairman J. Tropila moved the Committee of the Whole report be adopted. Report adopted unanimously.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Peterson moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator J. Tropila in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 40 - Senator J. Peterson moved consideration of **HB 40** be placed at the bottom of the second reading board. Motion carried.

HB 228 - Senator McGee moved **HB 228** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, M. Tropila, Tutvedt, Wanzenried, Zinke, Mr. President.
Total 40

Nays: Erickson, Hansen, Juneau, Kaufmann, Moss, Schmidt, Stewart-Peregoy, J. Tropila, Williams, Windy Boy.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 534 - Senator J. Peterson moved consideration of **HB 534** and **HB 40** be passed for the day. Motion carried.

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Senator Peterson moved the committee rise and rep`ort. Motion carried. Committee arose. Senate resumed. President Story in the chair. Chairman J. Tropila moved the Committee of the Whole report be adopted. Report adopted unanimously.

MOTIONS

Senator Peterson moved that the Senate appoint a Free Conference Committee on **SB 48** and ask that the House of Representatives appoint a like committee. Motion carried. President Story appointed Senator Essmann, Chair, Senator Gillan, and Senator Tutvedt.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 1:00 p.m., Wednesday, April 1, 2009. Motion carried.

Senate adjourned at 3:10 p.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate